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15
16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

18 **IN RE PLUM BABY FOOD LITIGATION**

19 This Document Relates To: All Actions

Master File No. 4:21-cv-00913-YGR

Hon. Yvonne Gonzalez Rogers

20 **DEFENDANTS PLUM, PBC AND**
21 **CAMPBELL SOUP COMPANY'S**

22 **1. RESPONSE TO MOTIONS TO**
23 **APPOINT COUNSEL [ECF NOS. 70, 71],**

24 **and**

25 **2. REQUEST THAT COURT FIRST**
26 **RULE ON PENDING TRANSFER**
27 **MOTION (ECF NOS. 34, 53, 57)**
28

Defendants Plum, PBC (erroneously also sued as Plum, Inc.) and Campbell Soup Company take no position on the pending motions to appoint interim lead plaintiffs' counsel. ECF Nos. 70, 71.

Defendants do, however, take this opportunity to respectfully request that the Court (i) rule on the pending transfer motion (ECF Nos. 34, 53, 57) prior to ruling on the motions to appoint counsel, and (ii) continue the date for the filing of a consolidated amended complaint until 30 days after the Court rules on the pending transfer motion. Pursuant to the Court's April 26, 2021 order (ECF No. 58) and the June 7, 2021 order issued by the JPML denying centralization under 28 U.S.C. § 1407, the date currently set for the filing of a consolidated amended complaint in this consolidated action is July 7, 2021.

If the Court wants to set the transfer motion for hearing, defendants are available to appear on the Court's earliest available date.

Defendants also take this opportunity to bring to the Court's attention the June 30, 2021 order issued by the District of New Jersey granting consolidation (for discovery and case management) of the four related cases pending against Plum, PBC and Campbell Soup Company in that court. *See Smid v. Campbell Soup Company*, No. 1:21cv2417 (D.N.J.), at ECF No. 48.

Dated: July 2, 2021

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